

S/N 09/920,467

PATENT**REMARKS**

Claims 1, 4-7, 10, 16, 17, and 19 were amended. Claims 1-20 are currently pending. In light of the following remarks, the applicant requests withdrawal of the pending rejections and advancement of this application to allowance.

A. Double Patenting Rejection

Claims 1-20 were rejected as conflicting with claims 1-20 of United States patent application serial no. 09/631,000. The applicant has amended the claims to limit them to a hand-held computer. Accordingly, the applicant respectfully requests withdrawal of this rejection.

B. Rejection of Claims 1-3 and 6-25

Claims 1-3 and 6-20 stand rejected as being obvious over Peterson in view of Eggers et al. The applicant respectfully traverses this rejection.

In order to establish a prima facie case of obviousness, "the prior art reference (or references when combined) must teach or suggest all of the claim limitations." M.P.E.P. § 706.02(k). Neither Peterson nor Eggers et al. teach or suggest a database of program data on a hand-held computer or batch downloading program data from a hand-held computer to an infusion pump and thus fail to teach or suggest all of the claim limitations.

Therefore, the applicant respectfully submits that claims 1, 7, 10, and 16 and their dependent claims are patentably distinct from the cited references and request withdrawal of the pending rejection.

C. Rejection of Claims 4 and 5

Claims 4 and 5 stand rejected as being obvious over Peterson in view of Eggers et al. and further in view of "Acute Health Solutions' DoseWatch to use Multum's MediSource" ("MediSource"). The applicant respectfully traverses this rejection.

Peterson and Eggers et al. were distinguished above from the claimed invention, which includes all of the elements of claim 1. MediSource also fails to teach or suggest a database of program data on a hand-held computer or batch downloading program data from a hand-held computer to an infusion pump and thus fail to teach or suggest all of the claim limitations.

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Therefore, the applicant respectfully submits that claims 4 and 5 are also patentably distinct from the cited references and request withdrawal of the pending rejection.

D. Rejection of Claim 18

Claim 8 stands rejected as being obvious over Peterson in view of Eggers et al. as applied to claim 3 and in further view of "Acute Health Solutions' DoseWatch to use Multum's MediSource" ("MediSource"). The applicant respectfully traverses this rejection.

Peterson, Eggers et al., and MediSource were distinguished above from the claimed invention. Therefore, the applicant respectfully submits that claims 4 and 5 are also patentably distinct from the cited references and request withdrawal of the pending rejection.

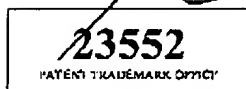
E. Conclusion

In view of the foregoing remarks, the applicant respectfully requests withdrawal of the pending rejection and advancement of this application to issuance. The applicant also notes that there may be additional reasons that the claimed invention is patentably distinct from the cited references in addition to those raised in the above remarks. The applicant reserves the right to raise any such reason in the future.

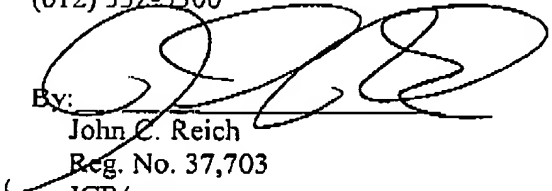
If a telephone conference would be helpful in resolving any issues concerning this communication, please contact the undersigned attorney at (612) 336-4608.

Respectfully submitted,
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